

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	Group Art Unit:	3695
Herman Rodriguez, et al	§		
Serial No.: 10/733,837	§	Examiner:	Oyebisi, Ojo O.
Date Filed: December 11, 2003	§	Confirmation No.:	2209
	§	IBM Docket No.:	AUS920030906US1
Title: E-Check and E-Commerce	§	Atty Docket No.:	(4028)

Mail Stop Amendment
 COMMISSIONER FOR PATENTS
 P. O. Box 1450
 Alexandria, VA 22313-1450

SUMMARY OF EXAMINER INTERVIEW ON DECEMBER 29, 2010

This paper provides a summary pursuant to MPEP 713.04 of a telephonic Examiner Interview conducted on December 29, 2010 between the Examiner and Garland Charpiot, Attorney for the Applicants.

Examiner and Attorney reviewed numerous sections of the Park reference (U. S. Application 2003/0225705 A1). Attorney argued that the “image” referred to in Park, e.g. [0015], was merely an image used to print a negotiable instrument, such as a check. Attorney further argued that the term “negotiable instrument image file” (Park, [0015]) was misleading, in that the only items that Park creates that are negotiable are the checks that are printed. Consequently, Attorney argued that combination of Jones and Park does not teach or suggest all of the elements of claim 9.

Examiner stated he would have to review the Park reference in more detail before agreeing or disagreeing. So, Examiner and Attorney have tentatively scheduled a second interview for 2:00 p.m. on December 31, 2010 to resolve the issue. Attorney appreciates the promise of a careful review of the Park reference by the Examiner and looks forward to the December 31, 2010 interview.

Respectfully submitted,

December 29, 2010

Date

/Garland D. Charpiot/

Garland D. Charpiot, Reg. No. 62,698
Customer No.: 45557
Schubert Law Group PLLC
100 Congress Ave, Ste. 2000
Austin, Texas 78701
(512) 692-7297 (Telephone)
(512) 301-7301 (Facsimile)
Attorney for Applicant(s)